

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

ALLEN B. COX,

Case No. 3:20-cv-00235-JR

Plaintiff,

ORDER

v.

THE STATE OF OREGON,

Defendant.

HERNÁNDEZ, District Judge:

Magistrate Judge Russo issued a Findings and Recommendation [23] on August 10, 2020, in which she recommends the Court grant Defendant's Motion to Dismiss [20]. Plaintiff timely filed objections to the Findings and Recommendation.¹ The matter is now before the Court pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the

¹ While unclear, the Court construes Plaintiff's Answer to Motion to Dismiss [25], filed on August 17, 2020, as objections to the Findings and Recommendation.

Magistrate Judge's report. 28 U.S.C. § 636(b)(1); *Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).

The Court has carefully considered Plaintiff's objections and concludes that the objections do not provide a basis to modify the recommendation. The Court has also reviewed the pertinent portions of the record de novo and finds no error in the Magistrate Judge's Findings and Recommendation.

CONCLUSION

The Court adopts Magistrate Judge Russo's Findings and Recommendation [23]. Accordingly, Defendant's Motion to Dismiss [20] is granted and this case is dismissed with prejudice.

IT IS SO ORDERED.

DATED: September 3, 2020.



MARCO A. HERNÁNDEZ
United States District Judge